



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*271 Cadman Plaza East  
Brooklyn, New York 11201*

June 26, 2013

By ECF

The Honorable Brian M. Cogan  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Nouredine Malki  
Criminal Docket Nos. 05-845, 06-216 (BMC)

Dear Judge Cogan:

The government writes in response to the Court's Order dated June 12, 2013, directing the parties to submit memoranda regarding the effect that the two-point reduction in the defendant's advisory Guidelines range mandated by the United States Court of Appeals for the Second Circuit should have on the defendant's ultimate sentence. As reflected in the defendant's submission filed earlier today, the defendant is currently scheduled to be released on September 30, 2013. In light of the defendant's upcoming anticipated release date, the government takes no position as to whether the defendant's sentence should be reduced and, if so, the amount of that reduction.

In addition, the government respectfully requests that the resentencing currently scheduled for July 24, 2013 be advanced to the prior week. The undersigned Assistant U.S. Attorney is unavailable the week of July 22<sup>nd</sup>. The government anticipates that the defendant will have been returned to this district by the United States Marshals Service by July 15<sup>th</sup>.

Therefore, the government respectfully requests that the Court schedule resentencing between July 15<sup>th</sup> and July 19<sup>th</sup>.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By: /s/ Daniel S. Silver  
Daniel S. Silver  
Assistant U.S. Attorney  
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cc: Clerk of the Court (BMC) (ECF)  
James Glasser, Esq. (By ECF)